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June 24, 2013

## **VIA ECF**

Hon. Carol Bagley Amon  
United States District Court (E.D.N.Y.)  
220 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Shukla v. Sharma*, 07-cv-02972 (CBA)

Your Honor:

Defendants had sought, on an emergency basis, stay of execution of the Judgment of January 4, 2013, because they were unable to pay a "seat deposit" of \$250 to a law school for Ms. Ruchi Sharma. Your Honor denied emergency relief twice, *see* Order of June 14, 2013, and scheduled oral argument at 2 p.m. on June 26, 2013.

On June 17, 2013, Defendants filed a motion before the United States Court of Appeals for the Second Circuit in their appeal, Case No. 13-397, seeking the same relief as is pending before this Court. That motion is pending before the Second Circuit. We are in the process of filing a response in *that* Court.

It would be improper for this Court to address or rule upon an issue which is already pending before the Second Circuit. First, whether this Court has the jurisdiction to do so is questionable. Second, it raises the unbecoming specter of potentially inconsistent orders. *See Cendant Corp. v Forbes*, 72 F Supp 2d 341, 343 (S.D.N.Y. 1999) ("... the Court is hesitant to effectively substitute its judgment for that of the appellate court . . ."). Third, this would also encourage parties to indulge in forum-shopping, as Defendants have done here, filing motion upon motion in different courts. Your Honor may recall that Defendants effectively obtained a temporary stay of execution by filing a frivolous bankruptcy petition, which petition they voluntarily withdrew, even while they sought the same relief from this Court (*see* dkt. 223).

Accordingly, we request that Defendants' motion be summarily denied, and the oral argument scheduled for June 26, 2013, be canceled.

Alternatively, we request that the argument be adjourned to next week, or such

other time as may be convenient to the Court. We are moving our offices today, and set up of our office systems in the new space has been unexpectedly delayed. Of course, the Court may simply decide the motion on the papers submitted without oral argument.

Thank you for your attention.

Respectfully submitted,

Sd/

Krishnan Chittur, Esq.

Cc: Matthew Pek, Esq. (Via ecf)